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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,017	05/24/2006	Marian Trinkel	2345/231	6053

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EXAMINER	
BROCKMAN, ANGEL T	

ART UNIT	PAPER NUMBER
2463	

MAIL DATE	DELIVERY MODE
09/30/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/563,017	TRINKEL ET AL.	
	Examiner	Art Unit	
	ANGEL BROCKMAN	2463	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05/10/2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 June 2009* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim Rejections - 35 USC § 112

1. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding **claim 13,** line 7 reads, "at least one of at least..." It is unclear what the applicant is referring to.

Response to Arguments

1. Applicant's arguments, see Remarks, filed June 18, 2009 with respect to claims 13-24 have been fully considered and are persuasive. The rejection of claims 13-24 has been withdrawn.

Response to Amendment

1. Claims 13-24 were formerly rejected under 35 U.S.C. 103 (a). Pursuant to applicant's amendments, these rejections are withdrawn.

2. The drawings were formerly objected to under 37 C.F.R. 1.75. Pursuant to applicant's amendments, these objections have been removed.

Claim Rejections - 35 USC § 103

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 13-20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segev et al.(US 2003/0133407 A1, hereinafter Segev) and Jensen et al.(WO 97/22054, hereinafter Jensen) in view of Parry et al. (US 6,175,552, hereinafter Parry)

Regarding **claim 13**, Segev discloses a method for operating and/or organizing at least one telecommunication network, software for organizing and/or implementing the switching of telecommunication connections and/or services running in a central server of the at least one telecommunication network, (figure 3, ¶[0039]). Segev does suggest that some copying of software occurs (¶[0094]). Segev does not explicitly teach software is at least intermittently transmitted to at least one additional server of at least one

additional selectable telecommunication network. Jensen discloses copying software to at least one server intermittently page 10, lines 15-35,page 15, lines 15-30, wherein the processors are embedded in servers). Segev and Jensen do not disclose wherein, in the event of insufficient switching capacity of the network-internal switching centers, and/or is activated therein at least intermittently, in particular in order to increase the switching capacity. Parry discloses wherein, in the event of insufficient switching capacity of the network-internal switching centers, and/or is activated therein at least intermittently, in particular in order to increase the switching capacity (figure 4, figures 4-7, wherein secondary switches contain the replica of the failed node). Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the switching as discloses by Parry along with the system as disclosed by Segev and the Jensen. The switching as disclosed by Parry can be implemented into the system of Segev amd Jensen through software implementation. The motivation for utilizing the switching as disclosed by Parry along with the system of Segev and Jensen is to provide applications to the next server so that the communication will be uninterrupted.

Regarding **claim 14**, Segev discloses wherein software is running on a plurality of servers of different telecommunication networks simultaneously, or software is running only on one server of a selected telecommunication network having sufficient switching capacity(¶[0030]-¶[0037]).

Regarding **claim 15**, Segev discloses wherein, prior to the transmission/activation ofsoftware in a telecommunication network, its activity and/or the available switching capacities are/is queried(¶[0017]-¶[0018]).

Regarding **claim 16**, Segev discloses wherein the selection of at least one among a plurality of telecommunication networks is implemented according to the available switching capacity and/or according to a quota/priority key.(¶[0094], where the status information and overload state is the available switching capacity,¶[0014], and the voice grade includes the quota/priority key).

Regarding **claim 17**, Segev discloses wherein for transmission/activation of software, at least one software package is transmitted to at least one telecommunication network, by which software that is specific to the switching center is transmitted or by which software available in the switching center is activated (¶[0094], where software is available at the switching center is received and copied which is activated upon transmission).

Regarding **claim 18**,Segev discloses the software includes a list of network addresses to be triggered (¶[0094]). Segev does not disclose wherein a software package is a program or macro that continually retransmits itself . Jensen discloses the software is a program that continually retransmits itself(claim 1). Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the switching as discloses by Parry along with the system as disclosed by Segev and the Jensen. The switching as disclosed by Parry can be implemented into the system of Segev amd Jensen through software implementation. The motivation for utilizing the switching as disclosed by Parry along with the system of Segev and Jensen is to provide applications to the next server so that the communication will be uninterrupted.

Regarding **claim 19**, ,Segev discloses all subject matter of the present invention as set forth above in claim 17 with the exception of wherein a number of software packages that corresponds to the number of the required switching centers is transmitted in order to obtain a required switching capacity, each software package implementing precisely one software transmission/activation, in particular (page 13,lines 15-39, wherein the software packages are the software objects). Jensen discloses wherein a number of software packages that corresponds to the number of the required switching centers is transmitted in order to obtain a required switching capacity, each software package implementing precisely one software transmission/activation, in particular (page 13,lines 15-39, wherein the software packages are the software objects).). Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the software packages as disclosed by Jensen in the system of Segev. The software packages as disclosed by Jensen can be implemented into the system of Segev through software. The motivation for utilizing the software packages as disclosed by Jensen in the system as disclosed by Segev is to increase the capability and efficiency of the network.

Regarding **claim 23,** Segev and Parry discloses all subject matter of the claimed invention with the exception of software for implementing switching operations accesses a portability database having network-spanning network identification codes of persons to be switched/notified, and/or having access to a database of a selected telecommunication network . Jensen discloses wherein software for implementing switching operations accesses a portability database having network-spanning network identification codes of persons to be switched/notified, and/or having access to a database of a selected telecommunication network (page 22, wherein the catastrophe plan includes

identification codes of persons to be switched (wherein the object-ID is the identification code). Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the system as disclosed by Segev along with the software transmission as disclosed by Jensen. The identification code as disclosed by Jensen can be implemented into the system as disclosed by Segev and Parry through software implementation. The motivation for utilizing the identification technique as disclosed by Jensen in the system as disclosed by Segev and Parry is to provide increase efficiency of the network in the event of a failure.

Regarding **claim 24,** Segev discloses a system, in particular for executing a method as recited in one of the preceding claims, which includes a telecommunication network having a server on which software for implementing and/or organizing switching operations is running, wherein, in the event of insufficient switching capacity of the switching centers of the own network, the software is transmittable, at least intermittently, to at least one additional server of at least one additional selectable telecommunication network, or software available on such a server is activatable at least intermittently to increase the switching capacity figure 3, ¶[0039]). Segev does suggest that some copying of software occurs (¶[0094]). Segev does not explicitly teach software is at least intermittently transmitted to at least one additional server of at least one additional selectable telecommunication network. . Jensen discloses copying software to at least one server intermittently page 10,lines 15-35,page 15, lines 15-30, wherein the processors are embedded in servers). Thus, it would have been obvious to one of ordinary

skill in the art at the time of invention to utilize the system as disclosed by Segev along with the software transmission as disclosed by Jensen and Parry. The software copying as disclosed by Jensen and Parry can be implemented into the system as disclosed by Segev through software implementation. The motivation for utilizing the software copying technique as disclosed by Jensen in the system as disclosed by Segev and Parry is to provide applications to the next server so that the communication will be uninterrupted.

6. Claim 20 is rejected under 35 U.S.C.103 (a) as being unpatentable over Segev et al.(US 2003/0133407 A1, hereinafter Segev) and Jensen et al.(WO 97/22054, hereinafter Jensen) and Parry et al. (US 6,175,552, hereinafter Parry) in view of Slater et al.(US 2004//0010588 A1, hereinafter Slater).

Regarding **claim 20**, Segev, Jensen, and Parry disclose all subject matter of the claimed invention as set forth above in claim 13 with the exception of following a period of time, a de-installation/deactivation of the software in no longer required switching centers is implemented, in particular automatically or by renewed transmission of a software package. Slater discloses following a period of time, a de-installation/deactivation of the software in no longer required switching centers is implemented, in particular automatically or by renewed transmission of a software package(¶[0075]-¶[0078]). Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the deactivation as disclosed by Slater along with the system of Jensen, Segev, and Parry. The deactivation can be implemented through software.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Segev et al.(US 2003/0133407 A1, hereinafter Segev) ,Jensen et al.(WO 97/22054, hereinafter Jensen) and Parry et al. (US 6,175,552, hereinafter Parry) in view of Grube et al.(US 6,885,874 B2, hereinafter Grube).

Regarding **claim 21,** Segev, Jensen, and Parry disclose all subject matter of the claimed invention as cited above in claim 13. Segev, Jensen, and Parry do not disclose software implements an automatic notification of at least one group of people of the population, in particular for an alert in dangerous situations, via a fixed network telephone, mobile telephone, the Internet, e-mail, web radio, in particular. However, it is well known in the art to utilize software for notifying a group of people as disclosed by Grube (column 3, lines 1-15, column 5, lines 1-45, figure 1). Thus, it would have been obvious to one of ordinary skill in the art to utilize the system as disclosed by Segev, Jensen, and Parry along with the group notification as disclosed by Grube. The system as disclosed by Segev , Jensen, and Parry can be manipulated through software and hardware to include the group notification functionality as disclosed by Grube. The motivation for utilizing the group notification functionality in the system as disclosed by Grube is to provide reliable communication in the event of an emergency.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Segev et al.(US 2003/0133407 A1, hereinafter Segev) ,Jensen et al.(WO 97/22054, hereinafter Jensen), and Parry et al. (US 6,175,552, hereinafter Parry) in view of Doyle et al.(US 6,128,738, hereinafter Doyle).

Regarding **claim 22,** Segev , Jensen, and Parry disclose all subject matter of the claimed invention as cited above in claim 13. Segev, Jensen, and Parry do not disclose wherein, at least prior to a transmission, software runs in a server of a certified trust center. However it is well known in the art to utilize certification software as a measure for "building trust" as disclosed by Doyle in column 2, lines 1-9).Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the software for building trust as disclosed by Doyle along with the system as disclosed by Segev, Jensen, and Parry. The software for building trust can be implemented into the system of Segev, Jensen, and Parry through software and hardware implementation. The motivation for utilizing the software for building trust as disclosed by Doyle along with the system as disclosed by Segev, Jensen, and Parry is to protect the security and contents of the network.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGEL BROCKMAN whose telephone number is (571)270-5664. The examiner can normally be reached on Monday-Friday ,7:30-5:00pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANGEL BROCKMAN
Examiner
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/A. B./
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